

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern Houston DISTRICT OF TEXAS
DIVISION

United States Courts
Southern District of Texas
FILED

GILBERT S. DAMIAN #27241

Plaintiff's Name and ID Number

NOV 18 2022

Nathan Ochsner, Clerk of Court

Brazoria Co. DETENTION CENTER

Place of Confinement

CASE NO.

(Clerk will assign the number)

v. Case No. 92897-CR

42nd DISTRICT COURT

THE STATE OF TEXAS v. M.E. LOCUST ANGELTON, TX

Defendant's Name and Address

ROBERT M. LEE ATTORNEY, 1346 Broadway St. Pearland

JULY MORIN ATTORNEY, 2005 Cullen St. Pearland

Defendant's Name and Address

Brazoria Co. Detention Center

3602 CR 45 Angleton, Texas 77515

Defendant's Name and Address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$352.00 plus an administrative fee of \$50.00 for a total fee of **\$402.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$352.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
1. Approximate date of filing lawsuit: _____
 2. Parties to previous lawsuit:
Plaintiff(s) _____
Defendant(s) _____
 3. Court: (If federal, name the district; if state, name the county.) _____
 4. Cause number: _____
 5. Name of judge to whom case was assigned: _____
 6. Disposition: (Was the case dismissed, appealed, still pending?) _____
 7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: Brazoria Co. Detention Center 3602 CR 45
Anchorage, TX

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? YES NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

Not Received Response Brazoria Co. Detention Center Anchorage

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: GILBERT S. DAMIAN H 27240
Brazoria Co. Detention Center 3602 CR 45
Anchorage, Texas 77515

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1 Court No. 92897 CR 4127A District Court
Brazoria Co. Courthouse 111 E. Locust St. Anchorage, TX

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Illegal Detain 18 Months No Diet No File Charges Not Able
Locate Alleged Victim

Defendant #2: ROBERT MILLER ATTORNEY 1346 Broadway St. Pearland
TX

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Dismiss Case If Extend Trial Date From Jan. 2021 To Sept 26 2022

Defendant #3: Phil Morris ATTORNEY 2005 Cullen St. Pearland
TX

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Containco Reset Trial Date From Sept. 26, 2022 To March 27, 2023

Defendant #4: Brazoria Co. Detention Center MEDICAL 3602 CR 45
Anchorage, TX

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Refuse Appropriate Medical Care Without Repair Within Sarcasm

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

May 6, 2021, I Lived At West No Chaves St & Never Done Nothing To Her. Homeless Girl. Yvette Miller. Appointed Attorney Robert Miller. Complaint Contain Interests. Lawyer Name Robert Told Yvette Officer Charles About Court Case. She Stole: Robert Dismissed To Extend Trial Date To Sept. 2022. Appointed New Lawyer Extend Trial Date To Sept. 27, 2022. Continue Extend Trial Date To Mar. 27, 2023.
Officer Dailed Purposefully Unnecessary Inmates Charged State Detention Cost To Arizona. Detention Not Appropriate Long-Tailed House. Only Sandwich Lunch Time: Small Amount Food On Day Always. Some Other Inmates Detain 2 Up To 3 Days Without Wash.
I Have Never Been To A Court Date Or Trial: Arizona. Now

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Emergency Intervention Release Medical Release For Surgery
Hernia Repair. Personal Recovery From Detention

VII. GENERAL BACKGROUND INFORMATION:

- A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Gilberto Bobby Santos Duncan

- B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

086028 • 3802539 • 218410

VIII. SANCTIONS:

- A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

- B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): 5th Circuit United
2. Case number: Not Recall Not Available Court Record
3. Approximate date sanctions were imposed: Not Recall

Inmate Request From

Name (First,Middle,Last): GILBERT SO#: 27241
DAMIAN

United States Courts
Southern District of Texas
FILED

NOV 18 2022

Booking Number: 27241 Cell Location: C3A

CLERK/RECORDS:

Nathan Ochsner, Clerk of Court

Describe in detail your request or complaint and who it is directed to:

10/15/2022 06:50:24

TO SHERIFF BO STALLMAN PLEASE ACKNOWLEDGE THAT I HAVE BEEN IN YOUR JAIL FOR OVER 17 MONTHS I HAVE HAD ONLY ONE COURT MY CHARGES ARE FAMILY VIOLENCE SHE NEVER FILE CHARGES BECAUSE I NEVER DONE NOTHING TO HER. THEY ARE NOT ABLE LOCATE THIS HOMELESS GIRL I WAS ONLY TRYING TO HELP. I AM HOPING THAT YOU ARE ABLE ALLOW ME A PERSONAL RCOGINZE BOND FOR M IMMEDIATE RELEASE. I ALSO SUFFER FROM A VERY SERIOUS HERINA REPAIR MEDICAL CONDITION I REQUIRE IMMEDIATE MAJOR SURGERY. I HAVE PAIN AND SOMETIMES UNABLE ANY MOVEMENT. YOUR FULL CONSIDERATIONS FOR A PERSONAL RECOGINZE BOND CAN BE VERY APPROPRIATE IN M& BEHALF ,MY BROTHER JOHN DAMIAN OWNS DAMIAN PAINT & BODY SHOP IN CLUTE HE WILL ALWAYS KNOW WHERE I SHALL BE LOCATED FOR NONE RISK RELEASE THANKYOU SHERIFF BO STALLMAN IF YOU SHALL GRANT MY RELEASE.

Staff Response:

10/15/2022 8:01:42

FORWARDED TO SUPERVISOR

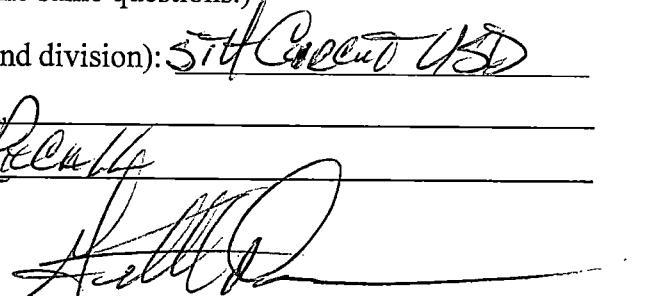
We do not issue P.R. Bonds.
Only Judges can.
10-15-22

Purposely ~~Will~~ ~~Does~~ ~~Long~~ ~~Down~~ ~~Inmates~~ ~~knowable~~
To ~~cause~~ ~~The~~ ~~State~~ ~~of~~ ~~Texas~~ ~~House~~ ~~Custody~~ Very Small
portions of food on Morning & Afternoon Days
For lunch only A small sandwich.

I ~~Was~~ Settled On Major Surgery with the
Doctor Martinez Lake Jackson St. Luke Hospital
on about My ~~Arrest~~ May 6, 2021. I had
A Heart Defect Major Surgery Repair.
Just My Right Testicle Is the Size of a
BaseBall And Continue To Get Bigger
Cause the Doctor Does Allow This
And Very Limited Movements

4. Have the sanctions been lifted or otherwise satisfied? YES NO
- C. Has any court ever warned or notified you that sanctions could be imposed? YES NO
- D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)
1. Court that issued warning (if federal, give the district and division): 5th Circuit USD
 2. Case number: Not Recall
 3. Approximate date warning was issued: Not Recal

Executed on: 11/15/2022
DATE

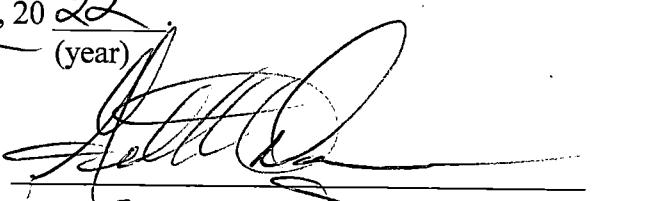


G. B. D.
G. B. D.
 (Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 15 day of November, 20 22.
 (Day) (month) (year)



G. B. D.
G. B. D.
 (Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

Mr. Nathan Ochsner
Clerk of Court
United States District Court
P.O. Box 61010
Houston, TX 77208

November 15, 2022

United States Courts
Southern District of Texas
FILED

NOV 18 2022

Nathan Ochsner, Clerk of Court

Please allow me to file the above
1983 Civil Rights Forms.

Presently location complete to file at the County
No funds by Post Office. I have no way to
obtain copies upon a Quikies Copy Service
present location non-existent.

Please, allow me your assistance in
two copies for presentation to the
Court. I have no way making copies
without you require.

The Facility does not provide
Copies for Plaintiff either or
The Clerk, Supplies. Sincerely
Gibson Dawson

